

1 THE HONORABLE JOHN H. CHUN
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 GIZACHEW WONDIE,) Case No. 2:21-cv-01623-JHC
11 v.) Plaintiff,)
12 KING COUNTY, et al.,)) DEFENDANT KATHLEEN
13 Defendants.)) DECKER'S ANSWER AND
14)) AFFIRMATIVE DEFENSES TO
15)) PLAINTIFF'S AMENDED
16)) COMPLAINT FOR DAMAGES
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Defendant Kathleen Decker answers Plaintiff's Amended Complaint for Damages ("Complaint") and asserts affirmative defenses thereto as follows:

INTRODUCTION¹

It is difficult to think of a law enforcement official with a better reputation than Detective Kathleen Decker. Ms. Decker has honorably served her Country, State, and County for three decades. Ms. Decker's achievements are legion and legend. From rising through the ranks from patrol officer to detective through hard work and principled innovation, to catching serial killers, she has served the innocent.

¹ Plaintiff's Amended Complaint frequently references Ms. Decker's testimony at the *Franks* hearing, which was given with the benefit of hindsight and without the opportunity to provide any clarifying context. This brief introduction provides the proper context for Ms. Decker's actions *at the time she took them*, which will inform the reasonableness of her alleged mistakes under Section 1983.

1 Ms. Decker performed her duties as a detective with the utmost responsibility and
 2 rectitude. She has investigated dozens of homicides with dozens of victims. One such victim
 3 was Amarah Riley. Ms. Decker was the lead detective assigned to Amarah's homicide
 4 investigation. In that capacity, Ms. Decker obtained a spate of information leading her to believe
 5 Plaintiff possessed the gun associated with shell casings recovered from the scene of Amarah's
 6 homicide. Ms. Decker obtained in good faith a search warrant to pursue this lead, prompting the
 7 allegations underlying Plaintiff's Complaint, which Ms. Decker answers as follows:

9 **ANSWER**

10 **I. INTRODUCTION**

11 1.1 The allegations in Paragraph 1.1 are vague. Ms. Decker cannot form a belief as
 12 to those allegations and therefore denies them. Ms. Decker specifically denies that the search of
 13 Mr. Wondie was based on "judicial deception."

14 1.2 Ms. Decker denies the allegations in Paragraph 1.2.

15 1.3 Ms. Decker admits the allegations in the first four sentences in Paragraph 1.3,
 16 subject to the caveat that the term "authored" is vague and Ms. Decker does not admit to being
 17 the only author of the search warrant. The allegations in the last two sentences seek a legal
 18 conclusion, which Ms. Decker is not required to answer. In any event, the transcript speaks for
 19 itself as to Ms. Decker's testimony.

20 1.4 Ms. Decker admits only that she and Detective John Free questioned Plaintiff
 21 following his resulting arrest for possession of drugs in plain view. Ms. Decker denies the
 22 remaining allegations in Paragraph 1.4.

23 1.5 Responding to the first three sentences, the transcript speaks for itself.
 24 Ms. Decker denies the last sentence in Paragraph 1.5.

1 1.6 Ms. Decker admits Paragraph 1.6.

2 1.7 Ms. Decker lacks sufficient information or knowledge to form a belief as to the
3 allegations in Paragraph 1.7 and therefore denies the same.

4 1.8 Ms. Decker lacks sufficient information or knowledge to form a belief as to the
5 allegations in Paragraph 1.8 and therefore denies the same.

6

7 **II. JURISDICTION AND VENUE**

8 2.1 The allegations in Paragraph 2.1 seek a legal conclusion, which Ms. Decker is not
9 required to answer.

10 2.2 The allegations in Paragraph 2.2 seek a legal conclusion, which Ms. Decker is not
11 required to answer.

12

13 **III. THE PARTIES**

14 3.1 Ms. Decker lacks sufficient information or knowledge to form a belief as to the
15 allegations in Paragraph 3.1 and therefore denies the same.

16 3.2 Ms. Decker lacks sufficient information or knowledge to form a belief as to the
17 allegations in Paragraph 3.2 and therefore denies the same.

18 3.3 Ms. Decker admits only the last sentence and denies the remaining allegations in
19 Paragraph 3.3.

20 3.4 Ms. Decker lacks sufficient information or knowledge to form a belief as to the
21 allegations in Paragraph 3.4 and therefore denies the same.

22

23 **IV. FACTUAL ALLEGATIONS**

24 4.1 Ms. Decker admits Mr. Wondie was in his vehicle at Seattle Central Community
25 College on December 6, 2018. Ms. Decker lacks sufficient information or knowledge to form a
26 belief as to the remaining allegations in Paragraph 4.1 and therefore denies the same.

1 4.2 Ms. Decker lacks sufficient information or knowledge to form a belief as to the
2 allegations in Paragraph 4.2 and therefore denies.

3 4.3 Ms. Decker admits Paragraph 4.3.

4 4.4 Ms. Decker admits Paragraph 4.4.

5 4.5 The allegations in the first sentence in Paragraph 4.5 seek a legal conclusion,
6 which Ms. Decker is not required to answer. Ms. Decker admits only that she testified she did
7 not have probable cause to arrest Plaintiff for murder and denies the remaining allegations in the
8 second sentence in Paragraph 4.5.

9 4.6 Ms. Decker admits Paragraph 4.6.

10 4.7 Ms. Decker admits only the first three sentences. The remaining allegations in
11 Paragraph 4.7 are vague and Ms. Decker therefore denies them.

12 4.8 Ms. Decker admits Paragraph 4.8.

13 4.9 The allegations in Paragraph 4.9 are vague, including as to the word “protocol,”
14 such that Ms. Decker cannot form a belief as to those allegations and therefore denies them.

15 4.10 The allegations in Paragraph 4.10 are vague, including as to the applicable
16 timeline and the phrase “use the evidence,” and Ms. Decker therefore denies them.

17 4.11 The allegations in Paragraph 4.11 are vague, including as to the phrase “related
18 to,” such that Ms. Decker cannot form a belief as to those allegations and therefore denies them.

19 4.12 The allegations in Paragraph 4.12 are vague, including as to the word
20 “confirmation,” such that Ms. Decker cannot form a belief as to those allegations and therefore
21 denies them.

22 4.13 The allegations in Paragraph 4.13 are vague, including as to the phrase “to use an
23 NIBIN lead,” such that Ms. Decker cannot form a belief as to those allegations and therefore
24

1 denies them.

2 4.14 Ms. Decker admits only the first two sentences in Paragraph 4.14 subject to the
3 caveat that she only testified the quoted language in the second sentence was incorrect. The
4 allegations in the last sentence of Paragraph 4.14 are vague, including the applicable timeline and
5 meaning of the term “this statement,” such that Ms. Decker cannot form a belief as to those
6 allegations and therefore denies them.
7

8 4.15 The unidentified but referenced documents and Ms. Decker’s testimony speak for
9 themselves. Ms. Decker otherwise denies Paragraph 4.15. Ms. Decker specifically denies that
10 she was aware a NIBIN lead could not be used to obtain a search warrant.
11

12 4.16 Ms. Decker denies Paragraph 4.16.
13

14 4.17 Ms. Decker admits Paragraph 4.17.
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16 4.18 Ms. Decker admits Paragraph 4.18.
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18 4.19 Ms. Decker admits only sentences one, two, three, four, and five of Paragraph
19 4.18. Ms. Decker denies the sixth sentence in Paragraph 4.19.
20

21 4.20 The language in Ms. Decker’s application for a search warrant and supporting
22 affidavit speaks for itself.
23

24 4.21 Ms. Decker admits only that she had access to a gang identification database
25 known as GETEM, that she used it, and does not recall whether she used it during the course of
26 investigating Plaintiff. Ms. Decker denies the remaining allegations in Paragraph 4.21.
27

28 4.22 Ms. Decker lacks sufficient information or knowledge to form a belief as to the
29 allegations in Paragraph 4.22 and therefore denies the same.
30

31 4.23 Ms. Decker admits Paragraph 4.23
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33 4.24 Ms. Decker denies Paragraph 4.24.
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1 4.25 The affidavit speaks for itself.

2 4.26 Ms. Decker admits only the fourth and fifth sentences in Paragraph 4.26.

3 Ms. Decker denies the remaining allegations in Paragraph 4.26.

4 4.27 Ms. Decker admits the allegations contains in the first three sentences in
5 Paragraph 4.27. Ms. Decker admits only that the last sentence contains quotes taken from the
6 Complaint filed in USDC Case No. 18-cr-00315-RAJ-1 and that this document speaks for itself.
7 To the extent these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.

8 4.28 Ms. Decker makes no response as it appears none is required, and the relevant
9 court records speak for themselves. However, to the extent factual allegations are intended or
10 legal conclusions contrary to applicable law are alleged, they are hereby denied. To the extent
11 these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.

12 4.29 Ms. Decker makes no response as it appears none is required, and the relevant
13 court records speak for themselves. However, to the extent factual allegations are intended or
14 legal conclusions contrary to applicable law are alleged, they are hereby denied. To the extent
15 these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.

16 4.30 Ms. Decker admits she testified at a hearing on June 21, 2021. Ms. Decker lacks
17 sufficient information or knowledge to form a belief as to the remaining allegations in Paragraph
18 4.30 and therefore denies the same.

19 4.31 Ms. Decker lacks privity to/with the United States Government and lacks
20 sufficient information or knowledge to form a belief as to the allegations in Paragraph 4.31 and
21 therefore denies the same.

22 4.32 Ms. Decker lacks privity to/with the United States Government and lacks
23 sufficient information or knowledge to form a belief as to the allegations in Paragraph 4.32 and
24

1 therefore denies the same.

2 4.33 Ms. Decker admits Paragraph 4.33.

3 4.34 Ms. Decker makes no response as it appears none is required, and the relevant
4 court records speak for themselves. However, to the extent factual allegations are intended or
5 legal conclusions contrary to applicable law are alleged, they are hereby denied. To the extent
6 these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.
7

8 4.35 The allegations in Paragraph 4.35 seek a legal conclusion, which Ms. Decker is
9 not required to answer. To the extent an answer is required, Ms. Decker lacks privity to/with the
10 United States Government and denies Paragraph 4.35.

11 4.36 The allegations in Paragraph 4.36 seek a legal conclusion, which Ms. Decker is
12 not required to answer. To the extent an answer is required, Ms. Decker lacks privity to/with the
13 United States Government and denies Paragraph 4.36.
14

15 4.37 Ms. Decker admits that she was not disciplined for her involvement in
16 Mr. Wondie's case and that King County took not corrective action as a consequence of her
17 involvement in Mr. Wondie's case. Ms. Decker lacks sufficient information or belief regarding
18 the remaining allegations in Paragraph 4.37 and therefore denies the same.

19 4.38 The allegations in Paragraph 4.38 are directed to other defendants and Ms. Decker
20 is not required to answer. To the extent an answer is required, Ms. Decker lacks sufficient
21 information or belief regarding the allegations in Paragraph 4.38 and therefore denies the same.
22

23 4.39 Ms. Decker makes no response as it appears none is required, and the cited case
24 speaks for itself. However, to the extent factual allegations are intended or legal conclusions
25 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations
26 allege any wrongdoing by Ms. Decker, they are expressly denied.
27

1 4.40 Ms. Decker makes no response as it appears none is required, and the cited case
2 speaks for itself. However, to the extent factual allegations are intended or legal conclusions
3 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations
4 allege any wrongdoing by Ms. Decker, they are expressly denied.

5 4.41 Ms. Decker makes no response as it appears none is required, and the cited case
6 speaks for itself. However, to the extent factual allegations are intended or legal conclusions
7 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations
8 allege any wrongdoing by Ms. Decker, they are expressly denied.

9 4.42 Ms. Decker makes no response as it appears none is required, and the cited case
10 speaks for itself. However, to the extent factual allegations are intended or legal conclusions
11 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations
12 allege any wrongdoing by Ms. Decker, they are expressly denied.

13 4.43 Ms. Decker makes no response as it appears none is required, and the cited case
14 speaks for itself. However, to the extent factual allegations are intended or legal conclusions
15 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations
16 allege any wrongdoing by Ms. Decker, they are expressly denied.

17 4.44 Ms. Decker makes no response as it appears none is required, and the cited case
18 speaks for itself. However, to the extent factual allegations are intended or legal conclusions
19 contrary to applicable law are alleged, they are hereby denied. To the extent these allegations
20 allege any wrongdoing by Ms. Decker, they are expressly denied.

21 4.45 Ms. Decker makes no response as it appears none is required, and the relevant
22 court records speak for themselves. However, to the extent factual allegations are intended or
23 legal conclusions contrary to applicable law are alleged, they are hereby denied. To the extent
24

1 these allegations allege any wrongdoing by Ms. Decker, they are expressly denied.

2 4.46 Ms. Decker denies Paragraph 4.46.

3 **V. CAUSE OF ACTION – CLAIMS PURSUANT to 42 U.S.C. §1983 and §1988**

4 5.1 Ms. Decker realleges Paragraphs 1.1 through 4.35 of this Answer as if fully set
5 forth herein.

6 5.2 The allegations in Paragraph 5.2 seek a legal conclusion, which Ms. Decker is not
7 required to answer. To the extent an answer is required, Ms. Decker admits only that she was
8 acting under the color of state law and denies the remaining allegations in Paragraph 5.2.

9 5.3 The allegations in Paragraph 5.3 are directed to other defendants and seek a legal
10 conclusion, which Ms. Decker is not required to answer. To the extent an answer is required,
11 Ms. Decker denies Paragraph 5.3.

12 5.4 The allegations in Paragraph 5.4 seek a legal conclusion, which Ms. Decker is not
13 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.4.

14 5.5 The allegations in Paragraph 5.5 seek a legal conclusion, which Ms. Decker is not
15 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.5.

16 5.6 The allegations in Paragraph 5.6 seek a legal conclusion, which Ms. Decker is not
17 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.6 and
18 specifically denies “judicial deception.”

19 5.7 The allegations in Paragraph 5.7 seek a legal conclusion, which Ms. Decker is not
20 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.7.

21 5.8 The allegations in Paragraph 5.8 seek a legal conclusion, which Ms. Decker is not
22 required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.8.

23 5.9 The allegations in Paragraph 5.9 contain argumentative rhetoric and seek a legal

1 conclusion, which Ms. Decker is not required to answer. To the extent an answer is required,
2 Ms. Decker denies Paragraph 5.9.

3 5.10 The allegations in Paragraph 5.10 are directed to other defendants and Ms. Decker
4 is not required to answer. To the extent an answer is required, Ms. Decker lacks sufficient
5 information or belief regarding the allegations in Paragraph 5.10 and therefore denies the same.
6

7 5.11 Answering the first two sentences, Ms. Decker's testimony speaks for itself and
8 she specifically denies Paragraph 5.11 to the extent it misrepresents her testimony. Ms. Decker
9 lacks sufficient information or belief regarding the remaining allegations in Paragraph 5.11 and
10 therefore denies the same.

11 5.12 Ms. Decker admits only the first sentence in Paragraph 5.12. Ms. Decker
12 specifically denies Mr. Wondie was arrested without probable cause. Ms. Decker lacks sufficient
13 information or belief regarding the remaining allegations in Paragraph 5.12 and therefore denies
14 the same.
15

16 5.13 The allegations in Paragraph 5.13 are directed to other defendants and Ms. Decker
17 is not required to answer. To the extent an answer is required, Ms. Decker lacks sufficient
18 information or belief regarding the allegations in Paragraph 5.13 and therefore denies the same.
19

20 5.14 The allegations in Paragraph 5.14 seek a legal conclusion, which Ms. Decker is
21 not required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.14.
22

23 5.15 The allegations in Paragraph 5.15 seek a legal conclusion, which Ms. Decker is
24 not required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.15.
25

26 5.16 The allegations in Paragraph 5.16 seek a legal conclusion, which Ms. Decker is
27 not required to answer. To the extent an answer is required, Ms. Decker denies Paragraph 5.16.
28

VI. PLAINTIFF'S PRAYER FOR RELIEF

Ms. Decker denies liability for Plaintiff's claims and denies Plaintiff is entitled to any relief whatsoever.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint should be dismissed for failure to state a claim upon which relief can be granted.

2. Plaintiff's claims against Ms. Decker should be dismissed based on the doctrine of qualified immunity.

3. Plaintiff has failed to mitigate his damages and protect himself from avoidable consequences.

4. Plaintiff's claims should be estopped or, at a minimum, offset based on the doctrine of unclean hands.

5. Plaintiff's injuries, if any, were the result of Plaintiff's own unlawful or unreasonable conduct.

6. At times relevant to Plaintiff's Complaint, Officer Decker, with a reputation for truthfulness and good character, acted lawfully, in good faith, without malice, within the course and scope of her employment and duties, with a reasonable belief that her actions were lawful and proper and without mal-intent.

7. Plaintiff was lawfully arrested for possession of contraband.

8. Ms. Decker incorporates the affirmative defenses of any other defendant in this litigation to the extent such affirmative defenses are consistent with Ms. Decker's Answer and Affirmative Defenses to Plaintiff's Complaint for Damages.

9. Ms. Decker reserves the right to supplement or strike any of these affirmative defenses or to assert additional affirmative defenses as discovery in this matter may reveal to be appropriate.

MS. DECKER'S PRAYER FOR RELIEF

1. Dismissal of Plaintiff's claims against Ms. Decker with prejudice;
2. An award of attorneys' fees and costs to the extent permitted under applicable law; and
3. Such other and further relief as the Court deems just and equitable.

DATED: July 22, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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